

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 17, 2008 has been entered.
2. Claims 1-3, 5, 6, 8-16, 18-23, 30, 31, and 33-52 are pending.

Response to Arguments

3. Applicant's arguments filed March 17, 2008 have been fully considered but they are not persuasive.
4. Applicant argues that the combination of references does not teach a device requesting a virtual identifier.

However, the Examiner respectfully disagrees. At least Otto teaches a proxy server receiving a request from a client computer to establish a connection for anonymous access to the network. The proxy server then establishes or access information to provide an anonymous identity for the client computer. The anonymous identity may be a disguise Internet Protocol (IP) address (see paragraphs [0045] - [0047]). Notice, the process where the user requests an anonymous access and is connected using an anonymous IP address is interpreted as a "requesting a virtual identifier" and "establishing a virtual identifier for a first user equipment in

at least one of: the first user equipment and the service network" as recited in at least independent claim 1.

5. Applicant argues that the encrypted connection to the network does not correspond to the claimed use of the virtual identifier for communication with a second user equipment.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6. Applicant argues that the combination of references fail to teach a virtual identifier consisting at least partly of numbers where at least a portion of the numbers identify the virtual identifier as a virtual identifier.

The Examiner respectfully disagrees. In Junda, the proxy user data of Table 1 Junda (see page 5) lists the number "4325" in each entry of the user proxy information. "4325" is the identifier that distinguishes the proxy user data from the real user data. Also, the why the numbers are arranged is a matter of choice is does not clearly distinguishes the claims from the prior art of record.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3,5, 8, 10-16, 18- 22, 30,31, 37-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2001/0029496 to Otto (“Otto”) and US Patent No. 7069249 to Stolfo et al. (“Stolfo”) in view of U.S. Publication No. 2003/0069857 to Junda.

Referring to claim 1, Otto discloses requesting a virtual identifier (see paragraph [0045]) establishing a virtual identifier for a first user equipment in at least one of the first user equipment and the service network (see paragraph [0045] – proxy server can establish information to provide an anonymous identity for the client computer & [0047] proxy server can disguise the user’s IP address) and using the virtual identifier of the first user equipment for communication between the first and a second user equipment (paragraph [0045] -any information being transferred between client computer and any other web site on network is processed through proxy server). Otto does not expressly disclose linking the virtual identifier of the first user equipment to a characteristic identifier of the first user equipment, predetermining one or more limitations for the use of the virtual identifier. Stolfo discloses linking the virtual identifier (i.e. proxy identifier/IP address) of the first user equipment to a characteristic identifier (i.e. IP address) of the first user equipment (see fig. 9; col. 29, lines 46-48; col. 32, lines 46-67 and col. 33, lines 1-14 - In Stolfo’s system the user computer’s IP address is striped and substituted with a proxy computer IP address, so that the user’s information may be private. Notice, the IP address and the proxy IP address are linked.). Junda discloses using the virtual identifier of the first user equipment for communication between the first and a second user equipment on the basis of the predetermined one or more limitations (see paragraph [0013], claim 7 and paragraph [0051]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method discloses by Otto to include

Art Unit: 3685

the step of linking the virtual identifier of the first user equipment to a first characteristic identifier of the first user equipment, using the virtual identifier of the first user equipment for communication between the first and a second user equipment on the basis of the predetermined one or more limitations. One of ordinary skill in the art would have been motivated to do this because it “reduce the unwanted collection and/or dissemination of information related to users of a communications network” (see Stolfo, col. 5, lines 50-54).

Referring to claim 2, Otto discloses requesting the virtual identifier from a service network (i.e. proxy server) of the communications system, see claim 1 above.

Referring to claim 3, Otto discloses requesting multiple virtual identifiers from a service network of the communications system (see paragraph [0048] – proxy server allow the user to adopt one or more anonymous identities while accessing the network).

Referring to claim 5, Otto discloses providing a set of virtual identifiers in a service network in a communications system (see paragraph [0048] – proxy server allow the user to adopt one or more anonymous identities). Otto does not disclose one or more of the virtual identifiers being linked to the first characteristic identifier of the first user equipment. Stolfo discloses one or more of the virtual identifiers being linked to the first characteristic identifier of the first user equipment (see fig. 9; col. 32, lines 46-67 and col. 33, lines 1-14 - In Stolfo’s system the user computer’s IP address is striped and substituted with a proxy computer IP address, so that the user’s information may be private. Notice, the IP address and the proxy IP address are linked.) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method discloses by Otto to include the step wherein one or more of the virtual identifiers being linked to the first characteristic identifier of the first user

equipment. One of ordinary skill in the art would have been motivated to do this because it “reduce the unwanted collection and/or dissemination of information related to users of a communications network” (see Stolfo, col. 5, lines 50-54).

Referring to claim 6, Otto discloses selecting, in the service network, the virtual identifier to be used for communication between the first and the second user equipment (see claim 3 above).

Referring to claim 8, Otto discloses receiving at a service network of the communications system a request for establishing a communications connection between the first and the second user equipment, the request comprising the virtual identifier of the first user equipment (see paragraph [0045]).

Referring to claim 10, Otto discloses receiving the request for establishing the communications connection between the first and the second user equipment via an electronic mail server service (see paragraph [0047]).

Referring to claim 11, Otto discloses receiving the request for establishing the communications connection between the first and the second user equipment from the second user equipment (see paragraph [0047] – proxy server can serve as a re-emailing facility, by which the user can send and receive emails from a merchant or third party).

Referring to claim 12, Otto discloses receiving, in the first user equipment virtual identifier (see claim 1 above). Otto does not expressly disclose receiving information about the use of the virtual identifier of the first user equipment. However, this difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The receiving step would be performed the same regardless of the data. Thus, this descriptive

Art Unit: 3685

material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive any type of data because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Referring to claim 13, Otto discloses the virtual identifier (see claim 1 above). Otto does not expressly disclose predetermining a given validity period of the virtual identifier. Junda discloses predetermining a given validity period of a virtual identifier (see paragraph [0051]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Otto to include the step of predetermining a given validity period of a virtual identifier. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized usage of the system.

Referring to claim 14, Otto discloses virtual identifier (see claim 1 above). Otto does not expressly disclose predetermining one or more user equipment that have the right to use the virtual identifier. Stolfo discloses predetermining one or more user equipment that have the right to use the virtual identifier (see col. 29, lines 51-58). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Otto to include predetermining one or more user equipment that have the right to use the virtual identifier. One of ordinary skill in the art would have been motivated to do this because it “reduce the unwanted collection and/or dissemination of information related to users of a communications network” (see Stolfo, col. 5, lines 50-54).

Claims 15, 16, 18-20 claim a system configured to perform the steps of method claims 1-3, 5 and 8 above; therefore, these claims are rejected on the same rationale as claims 1-3, 5 and 8 above.

Referring to claim 21, Otto discloses request a virtual identifier, establish the virtual identifier (see paragraph [0045] – proxy server can establish information to provide an anonymous identity for the client computer & [0047] proxy server can disguise the user's IP address) and use the virtual identifier of the first user equipment for communication between the first and a second user equipment (paragraph [0045] -any information being transferred between client computer and any other web site on network is processed through proxy server). Otto does not expressly disclose link the virtual identifier of the apparatus to the characteristic identifier of the apparatus, predetermine one or more limitations for the use of the virtual identifier and using the virtual identifier of the apparatus for communication between the apparatus and a second apparatus on the basis of the predetermined one or more limitations. Stolfo discloses link the virtual identifier of the user equipment to a characteristic identifier of the user equipment (see fig. 9; col. 32, lines 46-67 and col. 33, lines 1-14 - In Stolfo's system the user computer's IP address is striped and substituted with a proxy computer IP address, so that the user's information may be private. Notice, the IP address and the proxy IP address are linked.). Junda discloses predetermining one or more limitations for use of a virtual identifier (see paragraph [0013]) and using the virtual identifier of the first user equipment for communication between a first and a second user equipment on the basis of the predetermined one or more limitations.(see claim 7 and paragraph [0051]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Otto to include

Art Unit: 3685

an equipment configured link the virtual identifier of the apparatus to the characteristic identifier of the apparatus, predetermine one or more limitations for the use of the virtual identifier and using the virtual identifier of the apparatus for communication between the apparatus and a second apparatus on the basis of the predetermined one or more limitations. One of ordinary skill in the art would have been motivated to do this because it “reduce the unwanted collection and/or dissemination of information related to users of a communications network” (see Stolfo, col. 5, lines 50-54).

Referring to claim 22, Otto discloses requesting the virtual identifier from the service network (i.e. proxy server), see claim 21 above.

Claim 23 is rejected on the same rationale as claim 12 above.

Referring to claim 30, Otto discloses establishing a connection between a first user equipment and a second user equipment (paragraph [0045] -any information being transferred between client computer and any other web site on network is processed through proxy server) when a virtual identifier is established for the first user equipment in at least one of the first user equipment and the service network (see paragraph [0045] – proxy server can establish information to provide an anonymous identity for the client computer & [0047] proxy server can disguise the user’s IP address) and the second user equipment using the first characteristic identifier for establishing a connection to the first user equipment (see paragraph [0047] – proxy server can serve as a re-emailing facility, by which the user can send and receive emails from a merchant or third party) . Otto does not expressly disclose the virtual identifier consisting at least in part of numbers where at least a portion of the numbers identify the virtual identifier as a virtual identifier, linking the virtual identifier of the first user equipment to a first characteristic

Art Unit: 3685

identifier of the first user equipment, having predetermined one or more limitations for the use of the virtual identifier and using on the basis of the predetermined one or more limitations. Stolfo discloses linking the virtual identifier (i.e. proxy identifier/IP address) of the first user equipment to a first characteristic identifier (i.e. IP address) of the first user equipment (see fig. 9; col. 29, lines 46-48; col. 32, lines 46-67 and col. 33, lines 1-14 - In Stolfo's system the user computer's IP address is striped and substituted with a proxy computer IP address, so that the user's information may be private. Notice, the IP address and the proxy IP address are linked.) Junda discloses predetermining one or more limitations for use of a virtual identifier (see paragraph [0013]) and using the virtual identifier of the first user equipment for communication between a first and a second user equipment taking the predetermined one or more limitations into account (see claim 7 and paragraph [0051]), the virtual identifier consisting at least in part of numbers where at least a portion of the numbers identify the virtual identifier as a virtual identifier (see table 1, page 5 - "4325"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method discloses by Otto to include the step of linking the virtual identifier of the first user equipment to a first characteristic identifier of the first user equipment, having predetermined one or more limitations for the use of the virtual identifier and taking the predetermined one or more limitations into account. One of ordinary skill in the art would have been motivated to do this because it "reduce the unwanted collection and/or dissemination of information related to users of a communications network" (see Stolfo, col. 5, lines 50-54).

Claims 31 and 34 claim an apparatus configured to perform the steps of claim 21 above; therefore, claims 31 and 34 are rejected on the same rationale as claim 21 above. As for the

Art Unit: 3685

virtual identifiers consisting at least partly of numbers where at least a portion of the numbers of each virtual identifier is the same (see Junda, page 5, table 1 “4325”)

Referring to claim 37, Otto discloses the virtual identifier (see claim 1 above). Otto does not expressly disclose wherein predetermining one or more limitations for the use of the virtual identifier includes predetermining a given validity period during which the virtual identifier is valid. Junda discloses predetermining one or more limitations for the use of the virtual identifier includes predetermining a given validity period during which a virtual identifier is valid (see paragraph [0051]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Otto to include the step of predetermining one or more limitations for the use of the virtual identifier includes predetermining a given validity period during which the virtual identifier is valid. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized usage of the system.

Referring to claim 38, Otto discloses virtual identifier (see claim 1 above). Otto does not expressly disclose predetermining one or more user equipment that have the right to use the virtual identifier. Stolfo discloses predetermining one or more user equipment that have the right to use the virtual identifier (see col. 29, lines 51-58). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Otto to include predetermining one or more user equipment that have the right to use the virtual identifier. One of ordinary skill in the art would have been motivated to do this because it “reduce the unwanted collection and/or dissemination of information related to users of a communications network” (see Stolfo, col. 5, lines 50-54).

Referring to claim 39, Otto discloses the virtual identifier (see claim 1 above). Otto does not expressly disclose wherein predetermining one or more limitations for the use of the virtual identifier includes predetermining certain time periods in which the virtual identifier may be used. Junda discloses predetermining one or more limitations for the use of the virtual identifier includes predetermining certain time periods in which the virtual identifier may be used (see paragraph [0051]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Otto to include the step of predetermining one or more limitations for the use of the virtual identifier includes predetermining certain time periods in which the virtual identifier may be used. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized usage of the system.

Referring to claim 40, Otto discloses the virtual identifier (see claim 1 above). Otto does not expressly disclose predetermining one or more limitations for the use of the virtual identifier includes predetermining that a virtual identifier may only be used in national communication. Junda discloses predetermining one or more limitations for the use of a virtual identifier (see paragraph [0051]). As for predetermining one or more limitations for the use includes predetermining that a virtual identifier may only be used in national communication, the Examiner notes that this is an intended use feature. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.). The phrase "for use of the virtual

identifier includes predetermining that a virtual identifier may only be used in national communication" does not make any difference in the steps of the claim. Thus, Otto in combination with Junda teaches the limitations of claim 40. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Otto to include the step of predetermining one or more limitations for the use of the virtual identifier includes predetermining that a virtual identifier may only be used in national communication. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized usage of the system.

Claims 41-44 claim a user equipment that performs the steps of method claims 37-40 above; therefore, these claims are rejected on the same rationale as claims 37-40.

Claims 45-48 is a method that performs the steps of method claims 37-40 above; therefore, these claims are rejected on the same rationale as claims 37-40.

Claims 49-52 claim an apparatus that performs perform the steps of method claims 37-40 above; therefore, these claims are rejected on the same rationale as claims 37-40.

9. Claims 9, 23, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otto, Stolfo and Junda as applied to claims 8, 21, 24 and 31 above, and further in view of WO 00/12364 to Lumme et al. ("Lumme")

Referring to claim 9, Otto discloses receiving the request for establishing the communications connection between the first and the second user equipment (see claim 8 above). Otto does not expressly disclose using a short message service for transmitting the request. Lumme discloses using a short message service for transmitting the request (see

Art Unit: 3685

abstract). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method discloses by Otto to use short message service for receiving the request. One of ordinary skill in the art would have been motivated to do this because it quickly transmits information from a mobile phone to a recipient.

Claim 33 is rejected on the same rationale as claim 9 above.

10. Claim 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otto, Stolfo and Junda as applied to claims 34 respectively above, and further in view of US Patent No. 6968385 to Gilbert.

Referring to claim 35, Otto discloses virtual identifier (see claim 34 above). Otto does not expressly disclose the server is configured to compare a virtual identifier received from the user equipment or the second user equipment with characteristic identifiers linked to virtual identifiers in a database of the server for enabling establishing a connection between the first user equipment and the second user equipment. Gilbert discloses a server is configured to compare a virtual identifier received from the user equipment or the second user equipment with characteristic identifiers linked to virtual identifiers in a database of the server for enabling establishing a connection between the first user equipment and the second user equipment (see col. 2, lines 62-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the server discloses by Otto to compare a virtual identifier received from the user equipment or the second user equipment with characteristic identifiers linked to virtual identifiers in a database of the server for enabling establishing a connection between the first user equipment and the second user equipment. One of ordinary skill in the art

would have been motivated to do this because it ensures that the user access has not expired (see col. 2, lines 62-67 of Gilbert).

11. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otto, Stolfo and Junda in view of Gilbert.

Otto discloses a first user equipment having a first characteristic identifier, a second user equipment having as second characteristic identifier, the service network connecting the first and the second user equipment one or more of the virtual identifiers established for the user equipment in at least one of the user equipment and the service network (see claim 31 above). Otto does not expressly disclose one or more identifiers are linked to the respective characteristic identifiers of the user equipment are stored and linked to the respective characteristic identifiers of the user equipment, and where virtual identifiers received from the first user equipment or second user equipment are compared with the characteristic identifiers linked to the virtual identifiers for enabling the use of the virtual identifiers for communication between the first and the second user equipment, predetermined one or more limitations for the use of the one or more virtual identifiers and taking the predetermined one or more limitations into account. Stolfo discloses linking the virtual identifier (i.e. proxy identifier/IP address) of the first user equipment to a first characteristic identifier (i.e. IP address) of the first user equipment (see fig. 9; col. 29, lines 46-48; col. 32, lines 46-67 and col. 33, lines 1-14 - In Stolfo's system the user computer's IP address is striped and substituted with a proxy computer IP address, so that the user's information may be private. Notice, the IP address and the proxy IP address are linked.) . Gilbert discloses a database of identifiers, i.e. IP address (see col. 2, lines 42-45) and comparing the one

Art Unit: 3685

one or more virtual identifier received from the user equipment or the second user equipment with characteristic identifiers linked to virtual identifiers in a database of the server for enabling establishing a connection between the first user equipment and the second user equipment (see col. 2, lines 62-67). Junda discloses predetermining one or more limitations for use of a virtual identifier (see paragraph [0013]) and using the virtual identifier of the first user equipment for communication between a first and a second user equipment taking the predetermined one or more limitations into account (see claim 7 and paragraph [0051]), where the virtual identifiers consisting at least partly of numbers where at least a portion of the numbers of each virtual identifier is the same (see page 5, table 1 - "4325"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Otto to include one or more identifiers are linked to the respective characteristic identifiers of the user equipment are stored and linked to the respective characteristic identifiers of the user equipment, and where virtual identifiers received from the first user equipment or second user equipment are compared with the characteristic identifiers linked to the virtual identifiers for enabling the use of the virtual identifiers for communication between the first and the second user equipment, predetermined one or more limitations for the use of the one or more virtual identifiers and taking the predetermined one or more limitations into account. One of ordinary skill in the art would have been motivated to do this because a database organizes data for easy retrieval.

Conclusion

Regarding the method claims, functional recitation(s) using the word "for" or other functional languages (e.g. "predetermining one or more limitations for the use of the virtual

Art Unit: 3685

identifier”) have been considered but given less patentable weight¹ because they fail to add any steps and are thereby regarded as intended use language. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

Regarding non-method claims, functional recitation(s) using the word “for” or other functional language (have been considered but are given little patentable weight² because they fail to add any structural limitations and are thereby regarded as intended use language. A recitation of the intended use of the claimed product must result in a structural difference between the claimed product and the prior art in order to patentably distinguish the claimed product from the prior art. If the prior art structure is capable of performing the intended use, then it reads on the claimed limitation. *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) (“The manner or method in which such machine is to be utilized is not germane to the issue of patentability of the machine itself.”); *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). See also MPEP §§ 2114 and 2115. Unless expressly noted otherwise by the Examiner, the claim interpretation principles in this paragraph apply to all examined claims currently pending.

¹ See *e.g. In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983)(stating that although all limitations must be considered, not all limitations are entitled to patentable weight).

² See *e.g. In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983)(stating that although all limitations must be considered, not all limitations are entitled to patentable weight).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/
Primary Examiner, Art Unit 3685